

IN THE DRAWINGS

Applicants propose to insert the caption "PRIOR ART" into Fig. 1 of the drawings in accordance with the accompanying ANNOTATED SHEET SHOWING CHANGES.

Enclosed herewith is a REPLACEMENT SHEET in which the above change has been incorporated.

#### REMARKS

The Examiner has rejected claims 1-7 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,742,689 to Tucker et al.

The Tucker et al. patent discloses a method and device for processing a multichannel signal for use with a headphone, in which multi-channel audio signals, each channel corresponding to a loudspeaker placed in a particular location in a room, are processed in such a way as to create, over headphones, the sensation of multiple "phantom" loudspeakers placed throughout the room. Head Related Transfer Functions (HRTFs) are chosen according to the elevation and azimuth of each intended loudspeaker relative to the listener, each channel being filtered with an HRTF such that when combined into left and right channels and played over headphones, the listener senses that the sound is actually produced by phantom loudspeakers placed throughout the "virtual" room.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of

terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Examiner has indicated that Tucker et al. discloses "means (11) for determining for each signal in the second set of sound signals, a weighted (such as, 16-19 scaling factor) relation comprising at least one signal from a third set of intermediate sound signals (58) and at least one weight value (16, scaling factor)". Applicants submit that the Examiner is mistaken. In particular, item 11 in Tucker et al. is an HRTF processor for processing an input signal (e.g., the "right" signal 8 with an HRTF. While the output from HRTF 11 is applied to a scaler 17, this does not comport with the claimed limitation in which each signal in the second set of sound signals is determined by a weighted relation including at least one signal from a third set of intermediate sound signals and at least one weight value.

The Examiner has further indicated that Tucker et al. discloses "means (10) for determining a first set of Head Related Transfer Functions based on the second set of sound signals (11), the second set of Head Related Transfer Functions and the weighted relation". Again, Applicants submit that the Examiner is mistaken. In particular, item 10 is HRTF processor for the left speaker, while item 11 is the HRTF processor for the right speaker. There is no disclosure or suggestion in Tucker et al. that the HRTF processor 10 is based or determined, at least in part, on the HRTF processor 11.

In addition, the Examiner has indicated that Tucker et al. discloses "means (11) for transferring at least one signal from the third set of intermediate sound signals (58) by means (11) of at least one HRTF from said first set of Head Related Transfer Functions in order to generate at least one output (30) signal belonging to said first set of sound signals (10 and see col. 4 line 45-col. 5 line 35)." Again, Applicants submit that the Examiner is mistaken, in that there is no disclosure of a first set of HRTFs determined, at least in part, from a second set of HRTFs, and that the first set of HRTFs are applied to at least one signal from a third set of intermediate sound signals to form at least one output signal.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-7, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611

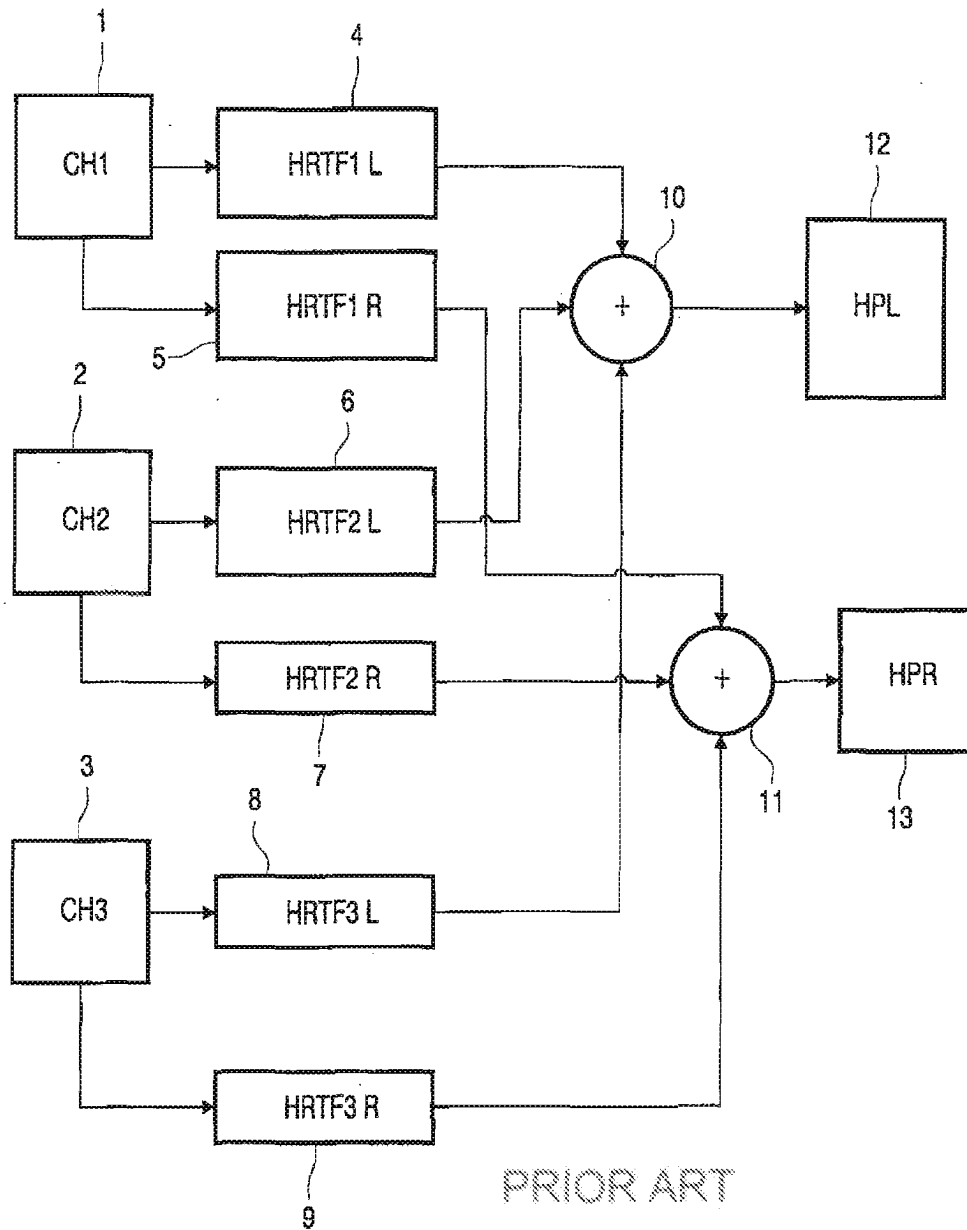


FIG. 1